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07 AUG 2009

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In re Application of
BELLERS et al.
Application No.: 10/594,022
PCT No.: PCT/IB2005/051004
Int. Filing Date: 23 March 2005
Priority Date: 24 March 2004
Attorney Docket No.: US04 0157 US2
For: MULTIPLE DESCRIPTION CODING
VIDEO TRANSMISSION USING
DE-INTERLACING MECHANISMS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 15 July 2009 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is DISMISSED without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 12 July 2007, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 12 September 2007.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). The declaration filed on 15 July 2009 is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The second inventor, Mihaela Van Der Schaar, has not initialed and

dated the corrections made to his/her mailing address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)). Therefore, a newly executed declaration of the inventor (Mihaela Van Der Schaar) is required. Applicants have not satisfied item (1) above.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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